

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.)
) No. S1-4:18 CR 975 CDP
)
)
DUSTIN BOONE,)
CHRISTOPER MYERS,)
and STEVEN KORTE,)
)
)
Defendants.)

**THE PARTIES' SUGGESTED VOIR DIRE QUESTIONS AND
OBJECTIONS**

COMES NOW the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, Carrie Costantin and Robert F. Livergood, Assistant United States Attorneys for said District; Dustin Boone, by and through his attorney Patrick Kilgore; Christopher Myers, by and though his attorney Scott Rosenblum; and Steven Korte, by and through his attorney John Rogers, and request the following voir dire questions to be put to this panel of prospective jurors:

The Parties are in Agreement as to the following questions:

1. Does any member of this jury panel know the United States Attorney, Ms. Sayler A. Fleming, or the Assistant United States Attorneys, Carrie Costantin and Robert Livergood, or any other member of the United States Attorney's Office?
2. Does any member of this jury panel know the case agents in this matter, FBI Special Agents Darren Boehlje and Eric Roehl?
3. Does any member of this jury panel know the defendants or the attorneys in this matter: Dustin Boone and his attorney Patrick Kilgore, Steven Korte and his attorney John Rogers, Christopher Myers and his attorney Scott Rosenblum? Does anyone know any other lawyers or employees who work for the law firms of Patrick Kilgore, John Rogers, or Scott Rosenblum?
4. During the course of this trial, the parties may present the testimony of some or all of the following witnesses: [See Witness List]. Does any member of this jury panel know any of these individuals? Is there anything about your relationship with any of these people which would make it difficult or impossible for you to reach a fair and impartial verdict in this matter if you are chosen as a juror?
5. This case involves law enforcement officers from the St. Louis

Metropolitan Police Department. There will be testimony from various law enforcement officers in this case. Is there anyone here who has had a negative experience with a law enforcement officer that will affect their ability to listen to the testimony and view the evidence fairly and impartially?

6. Has any juror here today participated in a protest on any matter in the past 8 years? If so, when did that protest take place and what for? Did you have a negative experience with police officers during that protest?

7. This case is alleged to have happened during the highly publicized protests that began the afternoon of September 15, 2017 after the acquittal of former St. Louis City police officer Jason Stockley. After those protests St. Louis Metropolitan police officers were arrested and charged with civil rights violations against another St. Louis police officer. Did anyone here participate in these protests? If so, what was your role?

8. Is there anyone here who has personal knowledge about this incident and will your knowledge of this alleged incident affect your ability to view the evidence fairly and impartially?

9. I'm sure everyone has been watching the news this past year and heard of the incident with George Floyd. Is there anyone here today that as they are viewing the evidence in this case thinks that they will not be able to keep that

incident, or other related incidents such as the one with Breonna Taylor, out of their mind? Does everyone here understand that this is a separate matter from George Floyd and Breonna Taylor? Are you capable of deciding this matter on the evidence presented only in this case?

10. The Court will define the crimes of Deprivation of Civil Rights, Destruction of Evidence and False Statement to a Federal Agent. As a juror, you must follow the law. Is there anyone who will be unable to follow the instructions of the Court, even if he or she disagrees with them?

11. It is anticipated that the trial in this case will last approximately two weeks. Throughout the trial, each juror must keep an open mind and jurors may not reach any conclusion until all the evidence has been heard and I have instructed you on the law to apply. Would any juror have difficulty following that instruction?

12. The Court has decided to hold this trial during a pandemic. Is there anyone here that has any health concerns that would cause you to be distracted from hearing the evidence in this case? Is there anyone here that would harbor feelings of resentment toward either party due to the Court's decision to have a jury trial during the pandemic?

13. Is there anyone here that is on a waiting list for a covid-19 vaccine for

the two weeks that this trial is expected to take place? If you receive a call for a vaccine would you hold it against the parties if you had to decline the vaccine due to jury duty for this trial?

14. The Court has permitted the parties to choose whether or not to wear a mask. Does everyone here appreciate the reasons why the lawyers would choose for themselves and their clients not to wear a mask? Is there anyone here that would hold it against the parties for not wearing a mask during these proceedings?

15. Does anyone know of any reason why he or she cannot be fair to both sides and render a verdict solely on the evidence presented in this Court and upon the law as the Court shall give you in its instructions?

Proposed Government Questions Objected to by the Defense

Question 1: Has any juror read or heard any news reports or other stories about this case? Would the information you learned from such sources affect your ability to decide this case fairly and impartially, based upon the evidence presented to you? Would you be able to put such information aside and render a verdict solely on the evidence presented in this Court and upon the law as the Court shall give you in its instructions?

Question 2: L.H. has filed a civil lawsuit against the City of St. Louis and

the defendants over the incident that is the basis of the criminal charges. Does anyone believe that a person should not file a civil lawsuit if criminal charges have been filed?

Proposed Defense Questions Objected to by the Government

Question 1: Is there anyone here who has had a negative experience with kettling during a large demonstration or protest? If so, when and what protest?

Question 2: Does anyone have a family member or close friend who participated in a public protest in the last eight years? What was the nature of the protest? Did that person have contact with any police officers during the protest? Did that person have any experience with kettling during that protest? Is there anything about their experience that would make it difficult or impossible for you to reach a fair and impartial verdict in this matter if you are chosen as a juror?

Government's Proposed Change

Proposed Question 2: Does anyone have a family member or close friend who participated in a public protest in the last eight years? What was the nature of the protest? Did that person have contact with any police officers during the protest? Is there anything about their experience that would make it difficult or impossible for you to reach a fair and impartial verdict in this matter if you are chosen as a juror?

Question 3: Is there anyone here who is a member of the Black Lives Matter Organization, Defund the Police, or a member of the Blue Lives Matter Organization? Is there anything about your involvement with that organization that would make it difficult or impossible for you to reach a fair and impartial verdict in this matter if you are chosen as a juror?

Government's Proposed Change

Proposed Question 3: Is there anyone here who is a member of the Black Lives Matter Organization or a member of the Blue Lives Matter Organization? Is there anything about your involvement with that organization that would make it difficult or impossible for you to reach a fair and impartial verdict in this matter if you are chosen as a juror?

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

s/Robert F. Livergood
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CERTIFICATE OF SERVICE

I hereby certify that on 26th of February, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties of record.

s/Robert F. Livergood

ROBERT F. LIVERGOOD, #35432MO
Assistant United States Attorney